

Animal and Plant Health Inspection Service, USDA

§ 318.13

of the United States into or through the continental United States.

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QUARANTINE

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AUTHORITY: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, and 167; 7 CFR 2.22, 2.80, and 371.2(c).

SOURCE: 24 FR 10777, Dec. 29, 1959, unless otherwise noted.

Subpart—Hawaiian Fruits and Vegetables

QUARANTINE

§ 318.13 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine Hawaii to prevent the spread of dangerous plant diseases and insect infestations, including the Mediterranean fruit fly (*Ceratitis capitata* (Wied.)), the melon fly (*Dacus cucurbitae* Coq.), the oriental fruit fly (*Dacus dorsalis* Hendl.), green coffee scale (*Coccus viridis* (Green)), the bean pod borer (*Maruca testulalis* (Geyer)), the bean butterfly (*Lampides boeticus* (L.)), the Asiatic rice borer (*Chilo suppressalis*), the mango weevil (*Sternuchus mangiferae* (F.)), the Chinese rose beetle (*Adoretus sinicus* Burm.), and a cactus borer (*Cactoblastis cactorum* (Berg.)), which are new to or not widely prevalent or distributed within and throughout the United States, and Hawaii is therefore quarantined.

(b) No fruits or vegetables, in the raw or unprocessed state; cut flowers; rice

straw; mango seeds; or cactus plants or parts thereof shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii into or through the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Administrator of the Animal and Plant Health Inspection Service shall find that existing conditions as to the pest risk involved in the movement of any of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such finding in administrative instructions specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interest will permit, with respect to the movement of any of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate to carry out the purposes of this subpart, that are less stringent than those contained in the regulations: *And provided, further*, That no restrictions are placed hereby on the movement of cactus plants from Hawaii to St. Croix, Virgin Islands of the United States, or on the movement of coconuts from Hawaii into or through the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States.

(c) This subpart leaves in full force and effect § 318.30 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of all varieties of sweetpotatoes (*Ipomoea batatas* Poir.). It also leaves in full force and effect § 318.60 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain

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Territories or Districts of the United States of sand, soil, or earth about the roots of plants.

(d) Regulations governing the movement of live plant pests designated in this section are contained in part 330 of this chapter.

[28 FR 13280, Dec. 7, 1963, as amended at 33 FR 14621, Oct. 1, 1968; 36 FR 24917, Dec. 24, 1971; 55 FR 38979, Sept. 24, 1990]

§ 318.13a Administrative instructions providing exemptions from specified requirements.

(a) The following fruits, vegetables, and other products may be moved from Hawaii into or through Guam without certification or other restriction under this subpart:

(1) [Reserved]

(2) Cut flowers, as defined in § 318.13–1.

(3) All fruits and vegetables designated in § 318.13–2(b).

(4) Beets, rutabagas, and turnips; when without tops.

(b) [Reserved]

[33 FR 14621, Oct. 1, 1968, as amended at 54 FR 3578, Jan. 25, 1989; 55 FR 38979, Sept. 24, 1990]

RULES AND REGULATIONS

§ 318.13–1 Definitions.

For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other employee of the Animal and Plant Health Inspection Service to whom authority has been or may be delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

Cactus plants. Any of various fleshy-stemmed plants of the botanical family Cactaceae.

Certificate. A document signed by an inspector certifying that a particular ship, vessel, other surface craft, or aircraft, or any specified lot or shipment of fruits or vegetables or other plant materials, via baggage, parcel post, express, freight or other mode of trans-

portation, has been inspected and found apparently free from articles the movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

Commercial shipment. Shipment containing fruits and vegetables that an inspector identifies as having been produced for sale or distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower and packing house on the packaging, and documents consigning the shipment to a wholesaler or retailer.

Compliance agreement. Any agreement to comply with stipulated conditions as prescribed under § 318.13–3(b), § 318.13–4(b), or § 318.13–4f of this subpart, executed by any person to facilitate the interstate movement of regulated articles under this subpart.

Continental United States. The 48 contiguous States, Alaska, and the District of Columbia.

Cut flowers. Any cut blooms, fresh foliage customarily used in the florist trade, and dried decorative plant material.

Disinfection (disinfect and disinfected). The application to parts or all of a ship, vessel, other surface craft, or aircraft of a treatment that may be designated by the inspector as effective against such plant pests as may be present. ("Disinfect" and "disinfected" shall be construed accordingly.)

Fruits and vegetables. The more or less succulent portions of food plants, and parts thereof, in raw or unprocessed state, such as bananas, pineapples, potatoes, ginger roots, tomatoes, peppers, mellons, citrus, mangoes, etc.

Inspector. An employee of Plant Protection and Quarantine, or a State plant regulatory official designated by the Administrator to inspect and certify to shippers and other interested